

NANCY E. FELLOWS
President of Council

JOHN PLECNIK
Vice President of Council

VICTORIA ANN SAVAGE, CMC
Clerk of Council

City of Willoughby Hills

Council
CHRISTOPHER L. BIRO
DAVID M. FIEBIG
JENNIFER SOMMERS GREER
CHRISTOPHER HALLUM
JANET R. MAJKA

ORDINANCE NO. 2016-36

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO THE FIRST AMENDMENT TO LEASE AGREEMENT BY AND BETWEEN THE CITY OF WILLOUGHBY HILLS AND NEW PAR d/b/a VERIZON WIRELESS.

WHEREAS, the City of Willoughby Hills owns the real property described on **Exhibit A** attached hereto and by this reference made a part hereof (the **“Parent Parcel”**); and

WHEREAS, the City of Willoughby Hills (or its predecessor-in-interest) and New Par d/b/a Verizon Wireless (or predecessor-in-interest) entered into that certain Lease Agreement dated January 19, 1987 (as the same may have been amended, collectively, the **“Lease”**), pursuant to which the New Par d/b/a Verizon Wireless leases a portion of the Parent Parcel and is the beneficiary of certain easements for access and public utilities, all as more particularly described in the Lease (such leasehold and easement rights and interest, collectively, the **“Leased Premises”**), which Leased Premises are also described on **Exhibit A**; and

WHEREAS, New Par d/b/a Verizon Wireless and/or its parent, affiliates, subsidiaries and other parties identified therein, entered into a sublease agreement with American Tower Delaware Corporation, a Delaware corporation and/or its parents, affiliates and subsidiaries (**“American Tower”**), pursuant to which American Tower subleases, manages, operates and maintains, as applicable, the Leased premises, all as more particularly described therein; and

WHEREAS, New Par d/b/a Verizon Wireless has granted American Tower a limited power of attorney (the **“POA”**) to, among other things, prepare, negotiate, execute, deliver, record and/or file certain documents on behalf of New Par d/b/a Verizon Wireless, all as more particularly set forth in the POA; and

WHEREAS, the City of Willoughby Hills and New Par d/b/a Verizon Wireless desire to amend the terms of the Lease to extend the term thereof and to otherwise modify the Lease as expressly provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. The Mayor is hereby authorized and directed to enter into ***The First Amendment to Lease Agreement*** by and between the City of Willoughby Hills and New Par d/b/a Verizon Wireless, consisting of twenty-three pages, attached hereto and marked as the **“First Amendment”**.

SECTION 2. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 3. This Ordinance shall be in full force and in effect at the earliest time permitted by law.

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PASSED: _____, 2016

Nancy E. Fellows
President of Council

Submitted to the Mayor for his approval
on this _____ day of _____, 2016

Approved by the Mayor

_____, 2016

ATTEST:

Victoria Ann Savage, CMC
Clerk of Council

Robert M. Weger
Mayor